

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-cv-524-JPG

DAVID L. ZOBRIST and B.C.M.W.  
COMMUNITY SERVICES, INC.,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal (Doc. 7) pursuant to Federal Rule of Civil Procedure 41(a)(1)(i) filed by plaintiff United States of America. Rule 41(a)(1)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. The defendants have not filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**  
**DATED: January 15, 2008**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**